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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,557	01/30/2001	Yasuo Nomura	202489US6	9407

22850 7590 08/11/2005

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EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2616

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,557

Applicant(s)

NOMURA ET AL.

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed May 19, 2005 have been fully considered but they are not persuasive.

On pages 7-9 applicant argues that Matsui et al fails to disclose, teach, or suggest the following limitation, "first setting means for setting whether or not a data format of the image information determined as of an object by the moving means should be converted based on user input" as described in Claim 1. It is noted in Figure 12 shows a user input window wherein the user can select various such as selecting the source device, setting in and outpoint for editing material as further described in Column 24 Lines 35+. It is further described in Column 26 Lines 55+ that the user has the option of saving the edited material as further described in Column 27 Lines 20+35. Thereby the conversion of the present file type to a different file type (i.e. jpeg could be saved as a gif) and thereby would convert the data through user selection and thereby meeting the limitation.

Although, all of applicant points are understood the examiner can not agree and therefore the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2616

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6 are rejected under 35 U.S.C. 102(e) as being unpatentable by Matsui et al (US 6,674,995).

[claims 1, 5, and 6]

In regard to Claims 1, 5, and 6 Matsui et al discloses an information processing apparatus and method capable of copying image information recorded on a first recording medium onto a second recording medium, comprising:

- display control means for controlling displaying of a copying operation window which includes a first icon corresponding to the first recording medium, an image information icon corresponding to the image information recorded on the first recording medium and a second icon corresponding to the second recording medium (Figure 38 shows the display control means for displaying the various operations occurring in the system. The figure shows three recording mediums (local storage, VTR, and server) wherein data streams are recorded or copied from the user selected commands to the various recording mediums as further explained in Column 8 Lines 42-58);
- moving means for selecting and moving one of the at least one image information icons on the copying operation window (Figure 12 shows the operation of selecting and moving one of the image information in window

96 for copying or editing of the scene as further explained in Column 26

Lines 63-67 through Column 27 Lines 1-8);

- determining means for determining of the moving means moves the one of the at least one image information icon to the second icon (Figure 16 determines which images have been moved from each icon as further described in Column 28 Lines 9-39);
- means for requesting a user input based on a result of the determining means (Column 28 Lines 9-39 describes the appearance of the time line and the determining of the movement of images and thereby alerts user of the result);
- first setting means for setting whether or not a data format of the image moving means for selecting and information determined as an object of copying by moving means should be converted based on the user input (Figure 12 shows a user input window wherein the user can select various such as selecting the source device, setting in and outpoint for editing material as further described in Column 24 Lines 35+. It is further described in Column 26 Lines 55+ that the user has the option of saving the edited material as further described in Column 27 Lines 20+35);
- readout means for reading out the image information corresponding to the one of the at least one image information icon selected by said moving means from the first recording medium (Column 6 Lines 52-64 describes

Art Unit: 2616

reading out the information corresponding to the image information icon that was previously selected to move to another recording medium);

- conversion means for converting the data format of the image information read out by said readout means based on the setting of said first setting means (Column 7 Lines 7-53 describes the conversion of the data stream depending on the readout of data of that selected recording medium); and
- writing means for writing the image information read out by said readout means or the image information converted by said conversion means onto second recording medium based on the setting of said first setting means (Column 7 Lines 7-53 further describes writing the information that is converted onto another recording medium, such as a VTR).

[claim 2]

In regard to Claim 2, Matsui et al discloses an information processing wherein the first recording medium is built in said information processing apparatus, and the second recording medium is an external storage medium which can be removably connected to said information processing apparatus (Column 7 Lines 7-53 describes the various recording mediums as further seen Figure 1 with the built in storage mediums 6a and local storage 8 as well as a removable recording medium found in the VTR 7 that is connected to the system through lines s10 and s11).

[claim 4]

In regard to Claim 4, Matsui et al discloses an information processing apparatus according to claim 1, further comprising second setting means for setting whether or not

Art Unit: 2616

the image information of an original determined as the object of copying should be deleted, and deletion means operable in response to a result of the setting of said second setting means for either deleting or placing into a disabled state the image information of the original of the object of copying recorded on the first recording medium after the processing of said writing means is completed (Figure 12 shows the system wherein it is possible through the control panel 96 to delete programs that have been processed via copying or recording).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al (US 6,674,995).

[claim 3]

In regard to Claim 3, Matsui et al discloses an information processing apparatus wherein a conversion process is completed (Column 7 Lines 5-63); however, fails to disclose that the conversion means converts the data format of the image information from that of the MPEG 2 system to that of the MPEG 1 system. It is well known in the art to convert data streams with MPEG standard given backward compatibility in order to provide output for older MPEG systems. Therefore, it would have been obvious to

one of ordinary skill in the art at the time of the invention to use a conversion of MPEG 2 to MPEG 1 in the system to allow for greater use through various systems.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. Effective July 15, 2005, the Central Fax Number will change to 571-273-8300. Faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent
07/27/2005


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2616